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9 Attorneys for Plaintiff  
GEN-PROBE, INCORPORATED

10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA  
12

13 GEN-PROBE INCORPORATED,

14 Plaintiff,

15 v.

16 VYSIS, INC.,

17 Defendant.  
18

No. 99CV2668H AJB

**PROOF OF SERVICE**

HONORABLE MARILYN L. HUFF

**PROOF OF SERVICE**  
**(FRCP 5)**

I am a citizen of the United States and a resident of the State of California. I am employed in San Diego, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 4401 Eastgate Mall, San Diego, California 92121. On the date set forth below I served the documents described below in the manner described below:

1. **PLAINTIFF GEN-PROBE INCORPORATED'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
2. **REPLY DECLARATION OF R. WILLIAM BOWEN, JR. IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
3. **REPLY DECLARATION OF DR. KARY B. MULLIS IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
4. **REPLY SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
5. **REPLY NOTICE OF LODGMENT IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**

(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Diego, California.

(BY MESSENGER SERVICE) by consigning the document(s) to an authorized

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courier and/or process server for hand delivery on this date. See attached Proof of Personal Service.

(BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.


(BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley Godward LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

on the following part(ies) in this action:

Thomas W. Banks, Esq.  
Finnegan, Henderson, Farabow, Garrett &  
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245 First Street, 18<sup>th</sup> Floor  
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**Attorneys for Vysis, Inc.**

Charles Lipsey, Esq.  
L. Scott Burwell, Esq.  
Finnegan, Henderson, Farabow, Garrett &  
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Washington, DC 20005-3315  
Tel: (202) 408-4000  
Fax: (202) 408-4400  
**Attorneys for Vysis, Inc.**

Executed on November 13, 2001, at San Diego, California.

  
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Sylvia M. Tether

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**PROOF OF PERSONAL SERVICE**

I hereby declare:

I am employed in the City of Diego, County of San Diego, California; I am over the age of eighteen years and not a party to the within cause; my business address is Knox Services, 2201 East Fourth Street, Santa Ana, California 92711-1960. On November 13, 2001, I served the within:

1. **PLAINTIFF GEN-PROBE INCORPORATED'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS**
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on the interested parties in this action by personally hand delivering a copy of said document(s) to the address(es) listed below:

John H. L'Estrange, Jr. Esq.  
Wright and L'Estrange  
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 13, 2001.

SIGNATURE: \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_